

## **Exhibit 5**

Letter from Patrick Donnelly, Nev. State Dir., Ctr. for Biological Diversity, et al.  
to  
Bradley Crowell, Dir., Nev. Dep't of Conservation and Nat. Res.  
(May 19, 2020)  
(on file with Ctr. for Biological Diversity).



May 19, 2020

Bradley Crowell, Director  
Nevada Department of Conservation and Natural Resources  
901 S. Stewart St.  
Carson City, NV 89701

Mr. Crowell:

The undersigned groups are asking that the Department of Conservation and Natural Resources immediately commence its process to evaluate Tiehm's buckwheat (*Eriogonum tiehmii*) for protection under NRS 527.270, the list of fully protected species declared to be threatened with extinction. This rare wildflower faces imminent and dire threats from the proposed development of the Rhyolite Ridge mine, and there are no protective mechanisms currently in place to save it from extinction.

On October 7, 2019, the Center for Biological Diversity petitioned both the Nevada Division of Forestry (NDF) and the US Fish and Wildlife Service (FWS) to protect Tiehm's buckwheat under state and federal law respectively, citing the imminent threat of the Rhyolite Ridge mine, to be developed by Australian mining company Ioneer. Subsequent site visits revealed immediate and ongoing impacts to the species from Ioneer's exploration activities and as a result the Center sued BLM on November 1, 2019. This lawsuit subsequently resolved with the termination of Ioneer's exploration activities.

On November 7, 2019, NDF denied the Center's petition on technical grounds. Simultaneously DCNR issued a press release stating, "Commencing this month, the Nevada Department of Conservation and Natural Resources (NDCNR) will be undertaking a comprehensive review to determine if enhanced protection under state law is needed for the rare Tiehm [sic] buckwheat."<sup>1</sup>

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<sup>1</sup> <http://dcnr.nv.gov/news/nevada-announces-review-of-protections-for-rare-nevada-buckwheat-wildflower>

Not only did no action occur in November, no action occurred until March 2, 2020, when DCNR announced two public workshops in April to take public input on the protection of Tiehm's buckwheat.<sup>2</sup> This was a period of four months since the announcement of the process. On March 17, 2020, we sent a letter to DCNR in which we encouraged the public meetings to be postponed in light of the coronavirus pandemic. On March 20, 2020, DCNR postponed the meetings, stating in a press release, "NDF will be working to reschedule the two planned workshops as soon as the current public health emergency permits. Please stay tuned for the new workshop dates, which will be scheduled and announced as soon as possible."<sup>3</sup>

It is now mid-May, almost two months since the meetings were delayed and six months since DCNR stated it would immediately commence review to determine whether enhanced protections under state law are needed for this species, however, we have gotten no further information about DCNR's plans. Because the number one risk to this wildflower and its habitat, a proposed mine, is continuing to steamroll ahead, it is evident that DCNR cannot further delay its state process that could afford necessary and imperative protections to this highly endemic species and its habitat.

Progress on the Rhyolite Ridge mine continues apace: Ioneer released a "Definitive Feasibility Study" (DFS) and associated promotional materials on April 3, 2020,<sup>4</sup> and the company claims to have submitted a Plan of Operations for the mine to BLM in early May.<sup>5</sup> Ominously, the executive summary of the DFS shows an updated schematic of the rock quarries Ioneer plans to use to source the ore and its boundaries include the entirety of Tiehm's buckwheat and the species' habitat.<sup>6</sup> It appears that the company has every intention of moving forward with obtaining mine permits despite the pending evaluation of Tiehm's buckwheat for protective status by both state and federal authorities.

FWS has also long passed its 90-day statutory deadline for giving an initial evaluation of the Center's Endangered Species Act petition for this plant. Accordingly, although the mine proposal is moving forward at full steam, FWS's delay is leaving the Tiehm's buckwheat in administrative limbo at the federal level.

All of this highlights the critical point that the fate of Tiehm's buckwheat largely lies within your hands. There is an imperative to move as swiftly as possible to protect this plant before it is too late. It is clear that this pandemic will be present in our society for months and years to come, and we can no longer put the protection of this species on indefinite hold, especially while its primary threat is continuing to move through state and federal permitting processes. DCNR needs to expeditiously start a process to

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<sup>2</sup> <http://dcnr.nv.gov/news/nevada-division-of-forestry-to-review-expanded-protection-for-rare-nevada-buckwheat-wildflower>

<sup>3</sup> <http://dcnr.nv.gov/news/nevada-division-of-forestry-to-postpone-public-workshops-re-status-of-tiehm-buckwheat-wildflower>

<sup>4</sup> <https://www.proactiveinvestors.com.au/companies/news/918451/ioneer-280-ore-reserve-increase-and-positive-dfs-confirms-rhyolite-ridge-as-world-class-lithium-and-boron-project-918451.html>

<sup>5</sup> <https://www.proactiveinvestors.com.au/companies/news/919316/ioneer-submits-plan-of-operations-for-rhyolite-ridge-lithium-boron-project-in-us-919316.html>

<sup>6</sup> See pages 19-20 of [https://www.ioneer.com/files/pb\\_document/300420-dfs-executive-summary-metric\\_final.pdf](https://www.ioneer.com/files/pb_document/300420-dfs-executive-summary-metric_final.pdf)

protect this plant, as you pledged you would. The public stands ready to engage, virtually if necessary, to ensure this plant does not get driven to extinction as a casualty of mining.

We await your reply.

Patrick Donnelly  
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**Center for Biological Diversity**

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*Executive Director*  
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(PLAN)**

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